

National Animal Identification System (NAIS): Part 3: U.S. Animal Identification = Animal Registration with U.S.

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The practice of “tagging” one’s animals, one’s property, is ancient ... ear notches, tattoos, tags, collars of all sorts, “brands” and many other forms of identification were used (and are still in use today) to signify “ownership”. Regardless of their merits, what all these methods had in common was that the animal’s owner had the absolute right to determine the means of identification. However, under the provisions of the NAIS, this ancient right of an animal’s owner is about to change dramatically: only NAIS-compliant, “official” animal identification [devices] will soon be recognized officially and thus will moot any other means of animal identification.

As I have explained before, NAIS-compliant, “official” animal tags can only be purchased from federally-licensed providers (i.e. tag-resellers or –distributors). These providers operate under Federal contract to ensure that whenever an “official” animal tag is being sold, a valid “U.S. Premises Identification Number” (US-PIN) was in fact issued to you. This also means that you have agreed, and are going to comply, with all NAIS-related terms & conditions as well as all applicable Federal laws & regulations (if they exist and whenever these become effective).

What does this NAIS-compliant, “official”, animal tag (a.k.a. “identification device”) look like? Until further notice and subject to change, of course, this “official” tag must ...

- bear the entire 15-digit number (US-AIN)
- display the “840” country code as its left-most digits
- display a number that is greater than 2,000,000,000 (2 Billion)
- be easily and reliably readable from a distance of 36”
- be designed for one-time use (tamper evident), and
- bear the imprinted “US Shield”.

According to rules published on November 2, 2004, USDA prohibits the tampering with or removal of any “official identification device”, including but not limited to ...

- Removing an official identification device or causing the removal of one unless the animal is terminated, except in cases when a [US-]AIN has become illegible or the device malfunctions
- Causing the application of a [US-]AIN tag to an animal that is currently carrying a [US-]AIN tag, unless that same [US-]AIN is imprinted on the second device
- Altering a [US-]AIN tag to change its number, or to make the number unreadable
- Unauthorized selling or providing of an identification device bearing the USDA Shield
- Manufacturing, selling, or providing an identification device that so closely resembles an approved device that it is likely to be mistaken for official identification.

In case you are wondering, any violations of the above rules are subject to civil and criminal penalties. (Note: the above specifications and rules are directly taken from page 7 of the *NAIS Draft Program Standards of April 25, 2005*.) Pronounced on February 23, 2006, in “*Administration of Official Identification Devices with the Animal Identification Number*”, three additional provisions apply to you as soon as you obtain a U.S. Premises Identification Number:

- 1) that any “official” animal tags issued to you are required to be inventoried by you
- 2) that you are required to promptly apply any issued tags to your animals, and

3) that you are required to keep track and account for every tag issued and used.

You might think that the above isn't such a big deal. After all, it is just about numbers on tags you have no intention on tampering with, and keeping track of tags is a good thing to do, anyway. However, you may want to pay some attention to the fact that nothing in the government's documentation published thus far talks about the legal "baggage" that is attached to these NAIS-compliant, "official" animal tags. Let's take a closer look ...

- A U.S. Animal Identification Number (US-AIN) is a unique, one-of-a-kind number that is "owned" by and the exclusive "intellectual property" of the Federal government
- The "U.S. Shield" represents an official "seal", like a credential, of the Federal government
- The Federal government does not "sell" US-AINs, instead, they are issued exclusively under Federal license and only to the tag's manufacturers
- Even though you may "buy" an "official" tag, you do not "own" the number imprinted on it
- By way of the controlled manufacture and distribution, at all levels, of every US-AIN, you become an implied LICENSEE of the Federal government
- As with all such licenses, there are terms and conditions that you become personally subject to (previously discussed in Part 2 of this series of articles)
- By attaching a US-AIN to your animal, your animal becomes subject to NAIS' terms and conditions as well
- By attaching a US-AIN to your animal, your animal also becomes subject to all animal-health related Federal laws and regulations such as *Title 5 United States Code, Chapter 109* and *Title 9 Code of Federal Regulations*
- By attaching a US-AIN to your animal, you SUBORDINATE your exclusive rights to your property (your animal)
- When you attach a US-AIN to your animal, you are required to promptly REGISTER YOUR ANIMAL'S INFORMATION with the NAIS
- You are required to register your animal in the "National Animal Records Repository" (NARR), a centralized database that is part of USDA's "*National Animal Health Surveillance System*"
- Upon registration, you are required to provide the animal's "official" number, species code, date of birth, age, gender, breed code, and at your option additional remarks (i.e. brand information) and up to two alternate animal identification numbers (i.e. USDA ear tag no.)
- Upon registration and thereafter, any animal-related information you provide to the NAIS becomes the sole property of the NAIS.

Keep in mind that when your animal "participates" in the NAIS, by way of carrying an "official" animal tag, your animal automatically becomes subject to all NAIS-related Federal laws and regulations, present and future, from birth to death. In addition, you also incur the expense (i.e. your time) of setting up and maintaining records about your animal, and you are liable for your records' accuracy. In that context, please note that your state's or tribe's animal-health officials, as well as the USDA's, now can check your records and inspect your animals at any time and without prior notice. And in the event they deem that something is amiss, the burden of proving them wrong, and the expense of doing so, solely rests upon you.

In light of the fact that participation in the NAIS is being promoted so aggressively, it is only reasonable and prudent to demand full disclosure of the above implications from the Federal government, or your state's or tribe's animal-health officials. Alas, none has been forthcoming. I wonder why?

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